

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO DARNELL ROBINSON,

Petitioner,

vs.

ANTHONY M. SCILLIA, *et al.*,

Respondents.

2:11-cv-00321-RLH-GWF

ORDER

This habeas matter under 28 U.S.C. § 2254 is before the Court for initial review under Rule 4 of the Rules Governing Section 2254 Cases. The filing fee has been paid.

Following preliminary review, it appears that a limited number of state court record materials will facilitate completion of initial review and potentially a resolution of all issues presented on the petition.

In connection with the records needed, it appears that petitioner was convicted, pursuant to a guilty plea, of burglary and was adjudicated a habitual criminal in No. C253303 in the Nevada Eighth Judicial District Court. It further appears from the papers submitted that petitioner did not file a direct appeal but that he filed a state post-conviction petition.

IT THEREFORE IS ORDERED that the Clerk of Court shall add Attorney General Catherine Cortez Masto as counsel for respondents and shall make informal electronic service of this order – along with an attachment with a copy of the petition and exhibits – upon respondents by directing a notice of electronic filing to her. Counsel shall enter a notice of appearance by the response date for the records response directed herein.

1 IT FURTHER IS ORDERED that, within sixty (60) days of entry of this order, the
2 respondents shall file -- and serve upon petitioner -- a set of exhibits with copies of the
3 following:

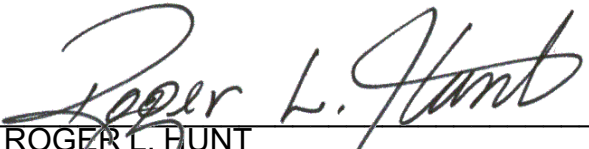
- 4 (a) the minutes from the state district court;
- 5 (b) the pre-plea charging instrument(s);
- 6 (c) the executed written guilty plea agreement and any accompanying
7 amending charging instrument;
- 8 (d) the transcript of the plea colloquy, if previously prepared;
- 9 (e) the transcript of the sentencing and habitual criminal adjudication, if
10 previously prepared;
- 11 (f) the presentence investigation report, which may be filed under seal;
- 12 (g) the state court judgment of conviction;
- 13 (h) petitioner's state post-conviction petition, any accompanying briefing or
14 exhibits, and any other papers presenting his post-conviction claims;
- 15 (i) any transcripts prepared previously on proceedings conducted during the
16 post-conviction proceedings;
- 17 (j) the written findings, conclusions, and order of the district court;
- 18 (k) any papers presented by or on behalf of petitioner on the post-conviction
19 appeal that were accepted for filing by the state supreme court
20 presenting claims to that court;
- 21 (l) the state supreme court decision on the post-conviction appeal; and
- 22 (m) any remittitur issued.

23 IT FURTHER IS ORDERED that the exhibits shall be filed with a separate index of
24 exhibits identifying the exhibits by number. The CM/ECF attachments that are filed further
25 shall be identified by the number or numbers of the exhibit(s) in the attachment. *Cf.* No.
26 3:06-cv-00129-LRH-VPC, ## 20-27. The purpose of this provision is so that the Court and
27 any reviewing court thereafter will be able to determine from the face of the electronic docket
28 sheet which exhibits are filed in which attachments. **Given the anticipated small volume**

1 of the exhibits, there is no need to send a hard copy courtesy copy of the exhibits
2 directed to the staff attorney in Las Vegas for this filing.

3 No further response other than the above is required at this time from
4 respondents, as the matter remains under initial screening review.¹

5 DATED: April 12, 2011.

6
7
8 
9 ROGER L. HUNT
Chief United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹Nothing in this order constitutes an express or implied holding that the petition otherwise is free of deficiencies. Initial review has not been completed at this point.